

REPLY TO:

- ☐ 135 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1501  
(202) 224-3744  
e-mail: grassley.senate.gov/contact.cfm
- ☐ 721 FEDERAL BUILDING  
210 WALNUT STREET  
DES MOINES, IA 50309-2140  
(515) 288-1145
- ☐ 150 1ST AVENUE NE  
SUITE 325  
CEDAR RAPIDS, IA 52401  
(319) 363-6832

## United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

July 14, 2010

REPLY TO:

- ☐ 103 FEDERAL COURTHOUSE BUILDING  
320 6TH STREET  
SIOUX CITY, IA 51101-1244  
(712) 233-1860
- ☐ 210 WATERLOO BUILDING  
531 COMMERCIAL STREET  
WATERLOO, IA 50701-5497  
(319) 232-6657
- ☐ 131 WEST 3RD STREET  
SUITE 180  
DAVENPORT, IA 52801-1419  
(563) 322-4331
- ☐ 307 FEDERAL BUILDING  
8 SOUTH 6TH STREET  
COUNCIL BLUFFS, IA 51501-4204  
(712) 322-7103

Ms. Joyce Frank  
Assoc. Admin. For Cong. & Intergov. Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

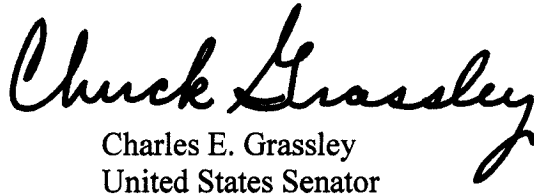
Dear Ms. Frank:

Enclosed please find a communication from Kenric Sheevel and Brian Rude regarding the classification of coal combustion ash.

I would appreciate any assistance you could provide pertaining to this matter. Please mark your return correspondence to the attention of Caleb Shoenhard when responding to my office.

Thank you for your attention to my request.

Sincerely,

  
Charles E. Grassley  
United States Senator

CEG/cs

RANKING MEMBER,  
FINANCE

Committee Assignments:

BUDGET  
JUDICIARY  
AGRICULTURE

CO-CHAIRMAN,  
INTERNATIONAL NARCOTICS  
CONTROL CAUCUS



April 1, 2010

The Honorable Charles Grassley  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Grassley:

Dairyland Power is a Generation and Transmission Cooperative headquartered in La Crosse, Wisconsin, which serves 25 distribution cooperatives located in Iowa, Minnesota, Illinois and Wisconsin. Dairyland provides wholesale electric energy and services to three distribution cooperatives in NE Iowa - Allamakee/Clayton Electric Cooperative, Hawkeye REC and Heartland Power Cooperative - and is a member of the Iowa Association of Electric Cooperatives.

On behalf of our members who are your constituents, we are contacting you to respectfully request your help in communicating to the U.S. Environmental Protection Agency (EPA) that coal combustion ash should not be classified as a hazardous waste. We believe such a designation could significantly threaten successful recycling efforts.

In the coming weeks, the EPA intends to propose federal regulations to govern the disposal of coal ash and other coal combustion byproducts (CCBs) under the Resource Conservation and Recovery Act (RCRA). EPA is considering a range of options, including regulation of CCBs as hazardous waste. The issue of whether CCBs should be regulated as hazardous waste—the most stringent form of regulation available to EPA under federal law—has been thoroughly researched and evaluated. And, on four prior occasions, EPA has concluded that CCBs do not warrant regulation as hazardous waste under RCRA Subtitle C. The industry, as well as officials from natural resources agencies in the vast majority of states, agree with those prior conclusions and support the development of federal, non-hazardous waste regulation under RCRA Subtitle D; such regulation would be implemented by the states.

Here at Dairyland, we are committed to our CCB beneficial reuse efforts. The coal combustion process used to generate electricity at our Genoa and Alma power plants creates large quantities of CCBs. We have committed significant resources to aggressively developing recycling markets for this product, with great success. In 2008, we recycled 98% of the fly ash from our Genoa Station and 89% was recycled at our JPM Station. The majority of our fly ash is used in Portland cement manufacturing. Recently, our fly ash has also been incorporated into the concrete foundations of wind turbines in Minnesota. These recycling efforts not only benefit

The Honorable Charles Grassley  
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consumers because they save money when concrete that contains fly ash is used for roads, bridges and buildings, but it is also environmentally advantageous. Utilizing available fly ash displaces the natural resources and energy needed to manufacture Portland cement, and the recycling of ash also lessens the need to dispose of the product in landfill storage.

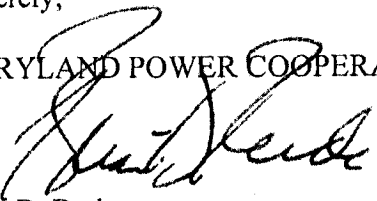
In 2008, Dairyland was exploring siting a landfill in Vernon County to deal with CCBs. We were told over and over again by County residents, our cooperative members, natural resource agencies and many elected officials that we should aim to recycle this resource, rather than simply landfill it. There is enormous public support for the sensible recycling of this material rather than disposing of it in a landfill.

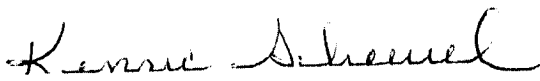
A Subtitle C hazardous waste designation by EPA eventually would impact every industry and government sector that uses coal as a fuel source, including, but not limited to, the electric utility, agriculture and mining industries; universities; manufacturers; and pulp and paper producers. It would supersede existing state regulatory authority and impose overly stringent federal regulations. And it would threaten the beneficial use of CCBs going forward.

Thank you for your consideration of this important issue that not only affects Dairyland, but all coal-fired power plants in the electric energy industry. Please feel free to contact us if you have any questions, and we look forward to your response.

Sincerely,

DAIRYLAND POWER COOPERATIVE

  
Brian D. Rude  
Vice President, External and Member Relations

  
Kenric Scheevel  
Government Relations Representative

BDR/KJS:mkw